

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

EBI FOOD SAFETY B.V.,

Plaintiff,

v.

JOHN J. DOLL, Honorable Acting Under  
Secretary of Commerce for Intellectual  
Property and Director of the United States  
Patent & Trademark Office,

Defendant.

Civil Action No. 9-726 (CKK)

**ORDER**  
(March 13, 2010)

Upon consideration of the record in the above-captioned case and the Defendant's [12] Consent Motion to Lift Stay and Remand Case, it is, this 13th day of March, 2010, hereby

**ORDERED** that the Defendant's [12] Consent Motion to Lift Stay and Remand Case **GRANTED-IN-PART** and **DENIED-IN-PART**; it is further

**ORDERED** that the stay in this case is lifted; it is further

**ORDERED** that Plaintiff's existing patent-term calculation is hereby **VACATED**; it is further

**ORDERED** that this matter is **REMANDED** to the United States Patent and Trademark Office for: (i) recalculation and adjustment of the disputed patent term in accordance with the decision of the United States Court of Appeals for the Federal Circuit in *Wyeth & Elan Pharma Int'l Ltd. v. Kappos*, 591 F.3d 1364 (Fed. Cir. 2010), and consistent with the United States Patent and Trademark's published interim procedure for such calculations; and (ii) recalculation of the period of applicant delay; and it is further

**ORDERED** that this case is **DISMISSED**.

**SO ORDERED.**

/s/  
**COLLEEN KOLLAR-KOTELLY**  
United States District Judge